



Doc

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

IFW

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/759,143	
	Filing Date	01/20/2004	
	First Named Inventor	Kristoffer Hess	
	Art Unit	3611	
	Examiner Name	Gary Chapman Hoge	
Total Number of Pages in This Submission		Attorney Docket Number	K8000183US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Gowling Lafleur Henderson LLP		
Signature			
Printed name	Valentine A. Cottrill		
Date	September 20, 2005	Reg. No.	50,187

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
RESPONSE

Application No.: 10/759,143  
Title: Flame Simulating Assembly  
Inventors: Kristoffer Hess and Kelly Stinson  
Filed: January 20, 2004  
Examiner: Gary Chapman Hoge  
Group Art Unit: 3611  
Our File No.: K8000183US1  
Customer No.: 34236

Commissioner of Patents  
U.S. Patent and Trademark Office  
Randolph Building  
401 Dulany Street  
Mail Stop Amendment  
ALEXANDRIA, VA 22314  
U.S.A.

Dear Commissioner:

In response to the Notice of Non-Compliant Amendment dated September 1, 2005, to which a reply is due on or before October 1, 2005, please amend the above-identified application as follows.

**Amendments to the Specification** were provided in our Response to Election of Species Requirement dated August 23, 2005 and, according to the Notice of Non-Compliant Amendment noted above, are not required to be resubmitted at this time.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** were provided in our Response to Election of Species Requirement dated August 23, 2005 and, according to the Notice of Non-Compliant Amendment noted above, are not required to be resubmitted at this time.